

to have the opportunity to send the name of Brian Sandoval to the President.

There is a lot of controversy over judges, but I think Brian Sandoval is the kind of person who should become a judge. He has not generated controversy. That is because he is a person who, in all of his activities, has been very bipartisan and fair. As a judge, he will be nonpartisan. He comes from a good family. Frankly, the reason he decided to leave elected office to be a judge is because he felt spending the time it takes to campaign and raise money took away from his family, his wife Kathleen and his children James, Madeline and Marisa. I am paraphrasing what he told me. But he said: I didn't want to be in Alcoa when my children are involved in extracurricular activities. I should be there.

These are choices we all have to make. I am confident Brian Sandoval made the best choice for him, his family, the State of Nevada, and the country. He will be a fine judge. I am honored to have the opportunity to recommend him. The Senate will vote for him overwhelmingly, and he will not disappoint us in the Senate.

I yield the floor.

Mr. FRIST. The majority yields back their 2 minutes, and I believe the Democratic side will yield back their remaining time.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—89

Akaka	Allard	Baucus
Alexander	Allen	Bayh

Bennett	Dorgan	Martinez
Bingaman	Durbin	McConnell
Bond	Ensign	Mikulski
Boxer	Enzi	Murkowski
Brownback	Feingold	Murray
Bunning	Frist	Nelson (NE)
Burns	Graham	Pryor
Burr	Grassley	Reed
Byrd	Gregg	Reid
Cantwell	Hagel	Roberts
Carper	Harkin	Rockefeller
Chafee	Hatch	Salazar
Chambliss	Hutchison	Santorum
Clinton	Inhofe	Sarbanes
Coburn	Isakson	Schumer
Cochran	Jeffords	Shelby
Coleman	Johnson	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Cornyn	Kyl	Stevens
Craig	Landrieu	Sununu
Crapo	Lautenberg	Talent
Dayton	Leahy	Thomas
DeMint	Levin	Thune
DeWine	Lieberman	Vitter
Dodd	Lincoln	Voinovich
Dole	Lott	Warner
Domenici	Lugar	

NOT VOTING—11

Biden	Kennedy	Sessions
Corzine	McCain	Smith
Feinstein	Nelson (FL)	Wyden
Inouye	Obama	

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOMINATION OF HARRY SANDLIN MATTICE, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mr. LEAHY. Mr. President, I yield back our time.

Mr. SPECTER. Mr. President, I yield back our time.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a very short statement about the Labor, Health and Human Services, and Education bill. A cloture motion is being filed this evening, which will call for all germane amendments to be filed by Wednesday at noon.

I see some doubt as to whether we are filing a cloture motion. Soon, the cloture motion will be filed. But we have a very complex bill in hand. We are asking Members to file their amendments and bring them down for arguments so we can proceed to finish this bill in a timely manner—no later than by the end of this week, and hopefully sooner.

I yield the floor.

The PRESIDING OFFICER. The request is for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 266 Ex.]

YEAS—91

Akaka	Dodd	Lugar
Alexander	Dole	Martinez
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Shelby
Chambliss	Isakson	Snowe
Clinton	Jeffords	Specter
Coburn	Johnson	Stabenow
Cochran	Kerry	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Talent
Conrad	Landrieu	Thomas
Cornyn	Lautenberg	Thune
Craig	Leahy	Vitter
Crapo	Levin	Voinovich
Dayton	Lieberman	Warner
DeMint	Lincoln	
DeWine	Lott	

NOT VOTING—9

Biden	Kennedy	Sessions
Corzine	McCain	Smith
Inouye	Nelson (FL)	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President is notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF BERTHA K. MADRAS

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my intent to object to any unanimous consent request relating to the nomination of Bertha K. Madras to the position of Deputy Director for Demand Reduction. This action has nothing to do with Ms. Madras or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Office of National Drug Control Policy that should be resolved before considering this nomination. I am hopeful that, with the cooperation of the Office of National Drug Control Policy, these issues can be resolved shortly.

#### ELECTION ASSISTANCE FOR STATES IMPACTED BY HURRICANE KATRINA

Mr. DODD. Mr. President, over the past several weeks, Congress has taken great efforts to address the disruption that Hurricane Katrina, followed by Hurricane Rita, have inflicted on the good people of our gulf coast region. While Congress is acutely aware of the need for funding for food, clothing, shelter and medical care for the evacuees and residents of this region, we are only now becoming aware of some of the longer term needs of these devastated communities.

All of the States impacted by these hurricanes, including not just those directly hit by the storms but also the numerous States which have come to the aid of evacuees will be holding Federal elections in just a few short months. The displacement of nearly 1.5 million people raises a somewhat unique continuity of government issue for our democracy: how to ensure that the citizens of these States are able to participate in the upcoming Federal elections next year, as well as in numerous State and local elections between now and then. It is simply not acceptable that a loss of one's home may mean a loss of one's access to the ballot box. And yet, many of these States are facing unknown hurdles in

ensuring that their displaced residents can vote in the next Federal election.

The Rules Committee, under the very capable leadership of the Chairman, Senator LOTT, has already begun meeting with the election officials of these affected States to determine what they will need to ensure that all eligible citizens will be able to participate in the 2006 Federal elections, regardless of the condition of their community or the location of their evacuated citizens. Under the auspices of the U.S. Election Assistance Commission, efforts are underway to identify Federal resources and assistance that is already available to the States to replace voting systems, polling places, and to assist in facilitating absentee voting.

However, at this point, many of these impacted States simply do not know the extent of the damage to election records or how to reach out to displaced citizens to ensure that they have access to absentee ballots or alternative polling facilities. While we are hopeful that the majority of the needs will be met through existing resources, I remain concerned that these States, and those who have stepped up to the plate to receive evacuees, will face additional expenses in ensuring the right to vote for the citizens of the gulf coast region.

The Election Assistance Commission, EAC, is charged with serving as a national clearinghouse and resource of information and procedures with respect to the administration of Federal elections and with distributing over \$3 billion in Federal funds to the States to implement the requirements of the Help America Vote Act of 2002, HAVA, of which I was honored to be the primary Senate author. I applaud the efforts of the EAC to spearhead the efforts to identify and respond to the needs of these States in administering our Federal elections next year. However, I remain concerned that without additional resources, these States will face significant hurdles to ensuring that all eligible citizens have an equal opportunity to vote and have their vote counted.

While Congress has appropriated over \$3 billion to date to implement the requirements of the Help America Vote Act, Congress has underfunded the authorization by over \$800 million. At least one of the impacted States has already notified staff that they are short in funding to implement the HAVA requirements and face additional unmet need due to the impact of Hurricane Katrina.

While I am hopeful that sufficient other Federal resources will be identified and made available to these States for conducting the Federal elections next year, it will not be acceptable if citizens of the Gulf Coast States are disenfranchised because their States and localities simply do not have the resources to replace destroyed voting systems, provide alternative polling places, print absentee ballots or reconstruct lost voting registration records.

As the ranking member of the Senate Rules Committee which has oversight jurisdiction over Federal elections, I intend to ensure that these States, and these citizens, are able to fully participate in the Federal election next year. Our distinguished Chairman, Senator LOTT, whose State was in the path of both hurricanes, is keenly aware of this situation and I commend him for his leadership and attention to this issue. I know he shares my concern that as we learn the full extent of this problem, the Committee will act to ensure these communities and citizens can exercise their fundamental right to vote.

Mr. LOTT. First of all, I want to thank my good friend the senior Senator from Connecticut and ranking member of the Rules Committee, which I chair, for participating in this important discussion about the election-related challenges that the Gulf Coast States face in the aftermath of Hurricane Katrina. While the full extent of the damage to the election infrastructure cannot yet be precisely quantified, we know it was wide-ranging. For example, in my home county, Jackson County, MS, it appears that hundreds of voting booths and large amounts of voting equipment were destroyed as was the building that houses the county election commission. In neighboring Harrison County, we understand that all the polling places located near the coast were leveled. And in Hancock County, MS, all of the voting machines were destroyed and nearly every polling place was either completely flattened or otherwise rendered uninhabitable.

We have heard similar reports from the state of Louisiana. According to state election officials, early estimates are that the State lost over 500 polling places and over 2,000 voting machines, with some parishes reporting that all of their voting equipment was destroyed. Thus, it is clear that a major commitment of resources will be needed to rebuild polling places and replace voting machines that were damaged or destroyed by Hurricane Katrina.

But restoring damaged election infrastructure in the areas impacted by Hurricane Katrina is not the only election-related challenge to be surmounted. Hundreds of thousands of citizens in Louisiana and Mississippi had to be relocated as a result of Hurricane Katrina, in many instances to other States. Large numbers of these evacuees will not be able to return to their home communities in the immediate future. For these citizens, casting absentee ballots will be the primary, if not only, method by which they will be able to be fully able to participate in upcoming elections that will affect the rebuilding efforts in their communities. Consequently, the demand for absentee ballots in the impacted areas will increase by many orders of magnitude during the coming months. We are already learning that additional workers may need to be hired to handle